UNITED
NATIONS

CERD

International Convention
on the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/225/Add.1
12 May 1993

ENGLISH
Original: FRENCH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Forty-third session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Eleventh Periodic Reports of States Parties due in 1992

Addendum

MOROCCO*

[22 April 1993]

CONTENTS

	Paragraphs
Introduction	
PART 1 - GENERAL	1 - 10
PART 2 - INFORMATION IN RELATION TO ARTICLES 2 TO 7	11 - 66
Article 2	11 - 18
Article 3	19 - 24
Article 4	25 - 30
Article 5	31 - 47
Article 6	48 - 53
Article 7	54 - 65
REPLIES OF THE GOVERNMENT OF MOROCCO TO THE COMMENTS BY THE COMMITTEE ON THE EIGHTH REPORT	66 - 75

* This document contains the ninth, tenth and eleventh periodic reports, which were due on 17 January 1988, in 1990 and in 1992 respectively. For the seventh and eighth periodic reports submitted by the Government of Morocco and the summary records of the meetings of the Committee at which they were considered, see the following documents:

Seventh periodic report - CERD/C/117/Add.1 (CERD/C/SR.718);
Eighth periodic report - CERD/C/148/Add.2 (CERD/C/SR.822).

GE.93-16698 (E)

Introduction

Under the terms of article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, the Kingdom of Morocco, like every State party, has undertaken to submit to the Secretary-General of the United Nations, for consideration by the Committee on the Elimination of Racial Discrimination, a report on the measures it has adopted to give effect to the provisions of the Convention.

Having submitted eight reports since it became party to the Convention on 27 October 1969, the Kingdom of Morocco has prepared this document containing the ninth, tenth, and eleventh reports, as requested by the Committee on the Elimination of Racial Discrimination.

Being anxious to help the Committee perform its task properly and to pursue the constructive and fruitful dialogue initiated with the Committee during consideration of the previous reports, the Kingdom of Morocco has devoted part of this document to replying to the questions raised by members of the Committee during consideration of the eighth report.

PART I

GENERAL

1. It is worth noting, once again, that opposition to racial discrimination, in all its forms, is a constant feature of Moroccan law and of the decisions taken by public authorities.

2. Morocco's legal and political institutions are imbued with the teachings of Islam, a religion whose cardinal rules are tolerance and fraternity.

3. Similarly, the Moroccan Constitution guarantees the equality of Moroccans before the law, the enjoyment of rights and public freedoms and the performance of obligations under the same conditions of equality for all citizens.

4. The rights of aliens in Morocco are guaranteed both by the provisions of the Constitution and by laws and regulations.

5. The revision of the Constitution adopted by referendum on 4 September 1992 confirms this equality before the law and identifies the promotion of human rights as one of the Moroccan State's chief prerogatives. The preamble, moreover, reads as follows: "Aware of the need to ensure conformity of its actions with the aims of the international organizations of which it is an active and dynamic member, the Kingdom of Morocco adheres to the principles, rights and obligations deriving from the charters of those organizations and reaffirms its commitment to the universally recognized human rights."

6. As a State governed by the rule of law, Morocco has no legislation establishing special prerogatives, privileged positions or restrictive measures for any race or ethnic group to the detriment of any other.

7. The recognition, enjoyment and exercise of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life are guaranteed by the Constitution and the laws in force, on equal terms for everyone and without any discrimination.

8. Morocco has recently set up an advisory council for human rights composed of representatives of all parties in the country concerned.

9. Bilateral and multilateral conventions ratified in the manner prescribed by the Constitution are incorporated into domestic law; their provisions are applicable and may be invoked automatically before Moroccan courts.

10. As far as the composition of Morocco's population is concerned, it is not without interest to recall that the Moroccan nation has for more than 1,000 years been a melting pot in which the original ingredients have blended together completely. As a result the Moroccan nation is historically and constitutionally a single indivisible whole, so that naturally the demographic breakdown of the population can only be made by reference to criteria other than racial, ethnic or linguistic ones. Censuses, surveys and

studies carried out by the competent authorities are based on socio-economic criteria. In any case, the idea of an "ethnic minority" has no relevant significance in Morocco.

PART 2

INFORMATION IN RELATION TO ARTICLES 2 TO 7

Article 2

11. The information supplied in the eighth periodic report with reference to article 2 of the Convention is still valid.

12. In Morocco a remedy may be sought before the competent courts for any discriminatory act or practice by the authorities or by individuals against persons, groups of persons or institutions.

13. The Moroccan Constitution is rigorously opposed to any form of discrimination. It states in article 5 that "all Moroccans are equal before the law".

14. When it acceded to the International Convention on the Elimination of Racial Discrimination, on 27 October 1969, the Kingdom of Morocco already had a legal text, promulgated in 1935 which was broader in scope and under which any act contrary to law and order was an offence.

15. Furthermore, Morocco is a unitary State, all of whose nationals are personally bound to the King of Morocco by an act of indefectible allegiance.

16. To that must be added the fact that most of the Moroccan population are Muslims and that only one rite is practised in the country, the Malekite rite, the teaching of which spread to Morocco from the earliest decades of the propagation of Islam.

17. As regards the Jewish population of Morocco, who number tens of thousands, they enjoy full freedom and are full Moroccan citizens in all respects - civil, political, civic, social, economic and cultural.

18. The Moroccan Jewish community has access on equal terms to the political, economic, cultural and other sectors of the country's life. Its members can enter public employment on an equal footing with any other group of the Moroccan population. It may be noted, as an example, though by no means the only one, that Mr. André Azoulay, a Moroccan of Jewish faith, was appointed adviser for economic affairs to His Majesty the King in 1990.

Article 3

19. The Kingdom of Morocco still remains convinced that apartheid is a grave affront to the conscience and dignity of mankind and reaffirms its support for the efforts made by the people of South Africa and the international community to build in South Africa, by peaceful means, a united, non-racial and democratic society, in which all individuals, regardless of race, colour, sex or creed, will enjoy the same fundamental rights.

20. The Government of the Kingdom of Morocco therefore welcomes the positive trends in the South African situation, which have established a climate favourable to a peaceful settlement. Morocco hopes that they will open the way without further delay to the final abolition of apartheid and the introduction of a united, democratic and non-racial society.

21. Apart from these new developments, which may usher in a new era, the Kingdom of Morocco notes that apartheid has not yet been abolished once and for all. It is therefore sparing no effort to persuade the South African Government to meet in full the aspirations of those who have sacrificed so much on the altar of freedom and dignity.

22. In addition, Morocco, which has always expressed its solidarity with the people of South Africa, is contributing within the limits of its resources to a number of United Nations funds and programmes for southern Africa.

23. Morocco supports the laudable and unceasing efforts made by the Special Committee against Apartheid and other United Nations organs to achieve the ultimate aim of eliminating all forms of racial discrimination and apartheid.

24. Morocco also supports the untiring efforts of the United Nations Fund for South Africa, of whose Committee of Trustees it has been a member since it was set up in 1965 for the purpose of giving humanitarian assistance to persons persecuted because of their opposition to the policy of apartheid.

Article 4

25. As stated in previous periodic reports, Morocco has quite enough legislation and regulations to put a stop to any racist movements that might emerge or to punish any act of racial discrimination.

26. It is a punishable offence to spread ideas of racial superiority or hatred, because it disturbs law and order. Anyone who showed any desire to assist, encourage or finance such activities would incur the penalties established by Moroccan criminal law.

27. Article 17 of the Dahir on associations states that political associations or organizations cannot legally be formed unless they are duly constituted and open to all Moroccans, without any discrimination based on race, religion or origin.

28. Any organizations or propaganda activities which encourage racial discrimination are illegal and forbidden. Participation in such activities and organizations is a punishable offence.

29. Opposition to racial discrimination is omnipresent, explicitly or implicitly, in all the legal texts making up Moroccan positive law.

30. The authorities in the Kingdom of Morocco are still of the mind that it is not necessary to adopt specific measures of a legislative, judicial or administrative nature to prohibit any act or encouragement of racial discrimination. Such acts would inevitably be covered by the legislation governing the field in which they occurred.

Article 5

31. The information provided in the eighth report in relation to the provisions of article 5 of the Convention is a perfect illustration of the non-existence of racial discrimination and the protection and safeguarding by legislative, regulatory and administrative means of the right of everyone to equality before the law, without distinction as to race, colour, or national or ethnic origin.

32. The Constitution and the texts relating to civil and criminal procedure guarantee all Moroccans and all aliens free and equal access to the courts at the same cost.

33. The revision of the Constitution adopted by referendum on 4 September 1992 has further strengthened this guarantee.

34. The legislative, judicial and administrative machinery set up leaves no room for inequality or discrimination.

35. As far as political rights are concerned, there is no discrimination. It should be noted in this connection that under the electoral law of 1992 any Moroccan over the age of 20, man or woman, can vote (under the previous law the age was 21). The age of eligibility has also been brought down from 25 to 23.

36. The right to hold responsible office in the State system is guaranteed by the Constitution, which states in article 12 that all citizens have access on the same terms to public offices and employment.

37. The other civil rights, such as the right to liberty of movement and freedom to choose one's residence, to leave one's country and return to it, the right to freedom of opinion and expression and the freedom of assembly and association are guaranteed by the text of the Constitution and the law, including the Code of Public Freedoms of 1958.

38. As far as the exercise of economic, social and cultural rights is concerned, it is guaranteed by law without any discrimination based on race, colour, sex, language, religion or political opinion or any other sort of segregation of any kind. Aliens enjoy the same rights as Moroccans.

39. With the exception of political activities, the rights of aliens are guaranteed by the Constitution in the same way as those of citizens.

40. Moroccan legislation makes no discrimination with regard to the exercise of economic, social and cultural rights by non-nationals, provided they respect the legislation in force. The Dahir of 15 November 1958 guarantees aliens the right of assembly. In article 23, it states that no foreign association may be formed or carry on activities in Morocco unless it has given the advance notification called for under the terms of article 5.

41. In the field of the advancement of the status of women, the year 1992 was marked by the establishment of a commission to make an initial review of the Moudawana (Code of Personal Law) with a view to restoring Moroccan women's rights.

42. In order to give workers greater protection and enable them to carry on their work under better conditions, without any discrimination, the Moroccan legislature has decided to embark on the preparation of a new labour code, and a bill to that effect has been before the Chamber of Representatives (Moroccan parliament) for consideration and adoption since May 1992.

43. In the social field, the Moroccan Government follows a policy characterized by its comprehensiveness, covering all regions of Morocco. The social policy of the Kingdom of Morocco is aimed at all social groups, without any discrimination whatever.

44. By virtue of the principles contained in the Moroccan Constitution, and in accordance with the provisions of the international conventions and covenants ratified by Morocco, the Moroccan authorities undertake social programmes for the benefit of the different groups in society regardless of their origins and of the regions where they live.

45. Special programmes have also been undertaken for certain social groups, including women, children, the elderly, the handicapped and young people.

46. Measures to deal with illiteracy and other social evils are the responsibility of the Ministry of Social Affairs. These programmes are conducted by Morocco with a view to improving the social level of all social groups on the basis of prevention, protection, education and social advancement for all.

47. The Kingdom of Morocco's social policy is implemented through special facilities set up in all regions of the country, access to which is guaranteed without any discrimination. These centres are staffed by people recruited on the basis of their qualifications and skills.

Article 6

48. Under the Moroccan Constitution and legislation, a number of remedies are available to any person who claims that his fundamental rights have been violated through an act of discrimination.

49. Access to the Kingdom's courts is open to all Moroccans and aliens under the same conditions.

50. The independence of the judiciary and the impartiality of judges are guaranteed by the Constitution.

51. The seventh periodic report of the Kingdom of Morocco gives a detailed account of the organization of the judicial system in Morocco.

52. The remedies available in the event of violation of fundamental rights by individuals are as follows:

Complaint or accusation lodged with the Crown Procurator;

Proceedings through the courts.

The remedies available in the event of violation of rights by the administrative authorities are as follows:

An appeal out of court to the person responsible for the decision;

An appeal to the next highest administrative authority;

An appeal to the Supreme Court against a decision by an administrative department on the grounds that it has exceeded its powers.

53. Article 360 of the Code of Civil Procedure states that:

"Subject to the provisions of the following paragraph of this article, appeals against decisions by administrative departments on the grounds that they have exceeded their powers shall be lodged within a period of 60 days from the date of publication or notification of the decision contested.

"However, the persons concerned shall be entitled, before the expiry of the time-limit for the appeal to the Supreme Court, to appeal out of court to the person responsible for the decision or to lodge an appeal with the next higher administrative authority.

"In this case, the appeal to the Supreme Court may be lodged within a period of 60 days from the date of notification of the decision expressly rejecting, either wholly or in part, the earlier administrative appeal."

Article 7

Education and teaching

54. School curricula for the second cycle of basic and secondary education deal with questions of racial discrimination at different academic levels and by different methods of teaching with a view to inculcating in pupils the concept of equality among peoples regardless of their ethnic or racial origins.

55. To this end Islamic education, the study of history and geography, philosophy, Islamic thought, Arabic and foreign languages are all disciplines which deal, each in its own way, with questions relating to racial discrimination.

56. Because of Islam's position on racial discrimination, Islamic education deals with this matter directly in a number of courses, in particular on human rights, the foundations of Islamic society, human rights in Islam and the identity of Islam.

57. Courses on Arabic, foreign languages, Islamic thought and philosophy deal directly or indirectly with questions of racial discrimination. These courses offer the teacher a chance, while pursuing the main aim of the subject, to give pupils an idea of certain aspects of racial discrimination and encourage them to behave in a fraternal and non-discriminatory way.

58. The purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination are fully covered in Morocco's education system, particularly in connection with the study of civics and history.

Culture

59. Being convinced of the role of culture in the self-fulfilment of the individual and in friendship and understanding between peoples, the Moroccan Government attaches great importance to cultural activities. A comprehensive programme of action covering the various fields of cultural life has been developed. It is designed to encourage initiatives, preserve the national heritage and promote cultural exchanges.

60. Morocco also has associations whose task is to promote cultural life and develop exchanges in this field with a view to encouraging understanding, tolerance and friendship, including 708 cultural associations and 338 theatrical associations. The National Institute of Dramatic Art and Cultural Promotion was set up in 1987.

61. Cultural festivals are regularly organized with a view to supporting cultural exchanges and encouraging closer ties between peoples. As an example we may cite the following events, involving a number of participants from different nations:

National Festival of Popular Arts (June)

Asi Lah Festival, (August)

International Publishing and Book Fair (October).

62. Morocco also takes part, either through the cultural associations or through the Ministry of Cultural Affairs, in regional and international events in different countries with the same aim of encouraging international and intra-cultural understanding, tolerance and friendship between nations and racial or ethnic groups.

63. It may be noted that at the initiative of Morocco a rally of national and international runners was organized in March-April 1993 in solidarity with the victims of racism. The participants in this event, who included Moroccan athletes with an international reputation, started from Morocco and went on to various European cities with the aim of alerting international public opinion to the odious effects of racism and making this period one of anti-racist solidarity.

64. Being conscious of the need to ensure conformity of its actions with the aims of the United Nations and being committed to the promotion of human rights, the Moroccan Government has regularly held international days, particularly in the area of human rights, in collaboration with the cultural associations and the United Nations agencies represented in Morocco.

Information

65. In the field of information, the particulars given in the eighth periodic report on the role of official and non-official information media in efforts to stamp out racial prejudice and promote human rights remain valid.

REPLIES OF THE MOROCCAN GOVERNMENT TO THE COMMENTS BY THE COMMITTEE ON THE EIGHTH PERIODIC REPORT

66. Under article 3 of the Moroccan Nationality Code, "Muslim personal law applies to all nationals except for Moroccans of Jewish faith, who are subject to the personal law governing Moroccans of Jewish faith".

67. The Moroccan Constitution guarantees the equality of all Moroccans before the law, regardless of their religion (art. 5). If Moroccan Jews are subject to special legislation solely with regard to their personal law, that is merely recognition of the rights of a religious community. Applying their own personal law to Moroccan Jews is evidence of respect for a faith and represents an edifying example of tolerance and fraternity.

68. As far as Morocco's demographic composition is concerned, it may be noted that in censuses carried out by the various competent national services, no account is taken of ethnic or racial criteria. The statistics kept by these services are based on socio-economic characteristics such as age, place of residence, level of education, occupation, income, family status, sex, etc., excluding any other breakdown based on criteria which would be contrary to the principles of the Constitution. Those principles are formulated around the unitary character of the Moroccan nation, freedom of movement and residence in all parts of the Kingdom, equality of all citizens before the law and freedom to practise religion. In any case, over the centuries there has been so much mingling between Berbers and Arabs that it is no longer possible to draw any precise demarcation line between them.

69. As to whether Moroccan Jews are regarded as representing a religion or a race, it can be said that, all racial considerations set aside, they represent a component of the Moroccan population which is distinguished by its religion.

70. There is freedom of conscience in Morocco. It is guaranteed by law at the very least with regard to Islam, Judaism and Christianity. Article 6 of the Moroccan Constitution states that "Islam is the religion of the State, which guarantees everyone freedom to profess religion". In adopting that provision the legislature was endeavouring to ensure the stability of the State and to protect the country against the emergence of atheist movements that might lead to anarchy or civil war, which would run counter to the provisions of the international instruments on human rights.

71. In order to ensure the continuity of the State, to preserve law and order and to forestall any attempt to sow anarchy and create hostility between different groups, the Moroccan legislature has declared any overt act of atheism or propaganda in favour of it to be a criminal offence.

72. The occurrence of such acts or movements is an incitement to hatred liable to cause disturbances among the population.

73. As regards nomadism, it can be said that this phenomenon has now totally disappeared because of the improvement in living conditions. The peoples of Morocco are now as a whole settled, because of the availability throughout the country of economic and social facilities, particularly in the areas of education, health and housing. The projects undertaken in pre-Saharan Morocco have endowed these formerly deprived regions with a comparable infrastructure to the northern regions and enable them to become an economic area whose potential has opened up great prospects for integration and complementarity with the rest of the country, and this has helped to settle the nomadic population.

74. As far as working children are concerned, it has to be said that the law forbids the employment of children. The Dahir of 1947 introducing the Moroccan Labour Code fixes the working age and regulates this field. Labour inspectors are responsible for monitoring compliance with the provisions governing this matter in the Dahir in question. However, violations can still be found today, particularly in the carpet industry, where parents' economic circumstances lead them to send their children into the workshops. Such offences are nevertheless punished severely. It should be noted that the draft labour code which has been before the parliament since May 1992 will help to improve the situation of workers, particularly young people who are of working age. This proposal will strengthen labour inspection and give the inspectors greater facilities for identifying and preventing offences in this field.

75. As regards the action to be taken on the provisions of article 4 of the Convention, the Moroccan Government is still of the view that the laws at present in force in Morocco are adequate to prevent any act of racial discrimination or hatred. The competent Moroccan authorities do not think it necessary to introduce specific rules of law on situations that do not exist in Morocco.